

REMARKS

The foregoing amendment and the following arguments are provided generally to impart precision to the claims, by more particularly pointing out the invention, rather than to avoid prior art.

Claims 1, 5, 11 and 15 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication No. 2002/0128891 (“McSherry”). Claims 2-4, 6, 12-14 and 16 were rejected under 35 U.S.C. 103(a) as being unpatentable over McSherry in view of U.S. Patent Application Publication No. 2001/0027481 (“Whyel”). Claims 7-10 and 17-34 were rejected under 35 U.S.C. 103(a) as being unpatentable over McSherry in view of U.S. Patent Application Publication No. 2002/0072974 (“Pugliese”). Applicant respectfully disagrees.

Applicant respectfully submits that McSherry does not anticipate claims 1, 5, 11 and 15. The selected elements of McSherry which were relied upon for the rejection do not correspond properly to the claim limitations recited in claims 1, 5, 11 and 15.

In McSherry, a “personal ID code” represents a contact person, who may raise questions to seek response given by a specialist. In other words, the personal ID code as used in McSherry represents a response seeker, not a response provider. Paragraph 26 of McSherry describes that the specialist may receive additional information, including the contact’s personal ID code, to identify the contact person (“After the specialist has been contacted, he may receive additional information in order to identify the contact person and retrieve information from the knowledge management system 120. This additional information may include the contact’s personal ID code, ...”, Paragraph 26 of McSherry).

Thus, the “personal ID code” in McSherry is not related to the limitation of “a service provider ID code” that is recited in claims 1, 5, 11 and 15. Claim 1, for example, recites:

1. (Original) A method comprising:
determining a service provider ID code;

generating a list of service seekers having received advice regarding a field of service from a service provider corresponding to the determined service provider ID code; and

displaying the listing of service seekers, via a customer display screen, to enable relationship management of the listed service seekers.

In claim 1, the “service provider ID code” corresponds to “a service provider”. A list of service seekers having received advice regarding a field of service from a service provider is generated.

McSherry does not disclose the generation of “a list of service seekers having received advice regarding a field of service from a service provider corresponding to the determined service provider ID code”. The rejection relied on the description of McSherry in paragraph 12, which indicates that the question raised and the response given are placed into predefined categories and stored in the database. However, paragraph 12 of McSherry does not indicate the generation of a specific list of service seekers as recited in the claim.

Further, McSherry does not disclose the display of “*the* list of service seekers” that is specifically recited in the claim limitation of “generating a list of service seekers ...”. Paragraph 26 of McSherry that was relied upon for the anticipation of the limitation of “displaying ...” does not appear to be relevant to the limitation. At most, paragraph 26 of McSherry indicates that information can be retrieved from knowledge management system 120 after the specialist obtains the personal ID code of the contact person (a response seeker in McSherry). There is no indication of displaying the specific list recited in the claim. Therefore, the rejection is based on speculation, which is improper.

Thus, McSherry does not disclose each and every aspect of claims 1, 5, 11 and 15. Withdrawal of the rejection under 35 U.S.C. 102(e) as being anticipated by “McSherry” is respectfully requested.

Claims 21 and 26 were rejected under 35 U.S.C. 103(a) as being unpatentable over McSherry in view of Pugliese. Applicant respectfully disagrees.

Claims 21 and 26 require “listing one or more service seekers having received advice communication regarding a field of service from the service provider”. McSherry does not teach “listing one or more service seekers having received advice communication regarding a field of service from the service provider” as discussed above. Pugliese does not cure the deficiency, as further discussed below.

The Office Action speculated that “Query Shopper Profile” and “Marketing & Traffic Reports” shown in Figure 2 of Pugliese would list seekers (or customers) that have contacted the provider. However, rejection based on speculation is improper.

Further, the speculation about “Query Shopper Profile” is incorrect. Paragraph 224 of Pugliese states that “The query shopper profile function 632 allows the SLA to query the shopper's profile to better assist them.” From this description of Pugliese, it is understood that the query shopper profile function is used to query the profile of a specific shopper, not to list the shoppers. Thus, the speculation is incorrect.

There is no indication that “Marketing & Traffic Reports” would provide a list as recited in the claim. Paragraph 224 of Pugliese states “The produce marketing and traffic reports function 1806 produces the various ShopLive corporate marketing and traffic reports produced periodically (weekly, monthly etc) for market analysis and billing purposes.” Paragraph 313 of Pugliese states “The produce marketing and traffic reports 1810 produces various reports for retailers and Malls on the statistical data gathered by the ShopLive application. Various reports detailing consumer sales, merchant traffic and mall activity are available to merchants, malls and ShopLive marketing staff members.” In these descriptions there is no indication of “listing one or more service seekers having received advice communication regarding a field of service from the service provider”.

Thus, the cited references do not show each and every aspects of claims 21 and 26. Withdrawal of the rejection under 35 U.S.C. 103(a) is respectfully requested for claims 21 and 26.

Claim 31 was rejected under 35 U.S.C. 103(a) as being unpatentable over McSherry in view of Pugliese. Applicant respectfully disagrees. Claim 31 specifies the limitation of “determine a service provider ID code, generate a list of service seekers having received advice regarding a field of service from a service provider corresponding to *the* determined service provider ID code, and display the listing of service seekers, via a customer management screen, to enable relationship management of the listed service seekers.” As discussed above, McSherry does not disclose “a service provider ID code” and “a list of service seekers having received advice regarding a field of service from a service provider corresponding to the determined service provider ID code. Pugliese does not cure the deficiency. Although Pugliese describes that “shoppers will use portable devices that will hold identification, shopping cart, and other information pertinent to the shopping experience. These devices could be tokens, smart cards, biometrics readers, Portable Digital Assistants (PDA), and identification cards such as the AirCard” in paragraph 163, such identification information is used in Pugliese to identify the shoppers and is not related to “a service provider ID code” recited in the claim.

Thus, the cited references do not show each and every aspects of claim 31. Withdrawal of the rejection under 35 U.S.C. 103(a) is respectfully requested for claim 31.

Since the cited references do not show each and every aspects of the independent claims 1, 11, 21, 26 and 31, the dependent claims of these independent claims are also patentable over the cited references, at least for the above discussed reasons. The withdrawal of the rejections is respectfully requested for the pending claims.

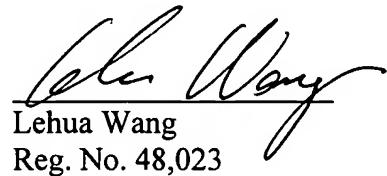
A petition for extension of time for (3) three-months is being submitted herewith. Please credit any underpayments and charge any fee deficiencies to Deposit Account No. 50-2638, referencing Attorney Docket No. 76705-202001/US.

Should the Examiner need to contact the undersigned, please do so at (650)328-8500.

CONCLUSION

It is respectfully submitted that all of the Examiner's objections have been successfully traversed and that the application is now in order for allowance. Accordingly, reconsideration of the application and allowance thereof is courteously solicited.

Respectfully submitted,


Lehua Wang
Reg. No. 48,023

Date: June 29, 2006

GREENBERG TRAURIG, LLP
CUSTOMER NUMBER 56188
1900 University Avenue, Fifth Floor
East Palo Alto, CA 94303

Phone: (650) 328-8500

Fax: (650) 328-8508

E-Mail: wangl@gtlaw.com